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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,349	11/27/2000	William F. Price III	NA00-13801	7294

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EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/724,349

Applicant(s)

PRICE, WILLIAM F.

Examiner

Samson B. Lemma

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-21.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued that a cumbersome prior art verification process and/or a key revocation process that does not work well, should not be included in the claim limitations. The examiner in response to this argument point out the following. Applicants contrasted his invention with prior art used by the examiner and indicated that the referees have shortcoming and enumerated the shortcomings and stated that the shortcomings are similar to the shortcomings indicated in the applicant's specification. The examiner response for that argument in the final office action was not to suggest the applicant to include those features/shortcoming the applicants enumerated in to the claims but to clarify that the features that is stated in the applicant's specification to have advantage over the prior art, will not be read in to the claims unless and otherwise it is explicitly stated in the claims. Therefore Examiner didn't of course make suggestion to the applicant to recite those disadvantages believed by the applicants to be associated with the prior art in to the rejected claims but to indicate that advantages of the invention over the prior art indicated in the specification will only be used for the claim interpretation if necessary but the specification are not read in to the claims and only limitations in the claims will be considered.

Secondly, the applicant argued that the Examiner dismissed applicant's argument that the prior art does not include the operations of "Periodically sending a verification request from the server to the client asking if the client public key remains valid" and removing or deleting key information." In response to the above argument, the Examiner had considered this argument and indicated that those limitation is disclosed in the prior art on the record. In order to reconfirm his response, the Examiner would point that NEWMAN, the reference on record discloses that the CDC or the central database Controller/server periodically (after-hours) make automatic checks and updates all the existing phone numbers and public key contained within each clients (facsimile terminal units). [Column 6, lines 1-5]. Furthermore NEWMAN discloses that all new FAX units (client terminals) going on-line into the network must initially register with the CDC(Central database Controller (Server). The CDC (server) thus has available in one of its memory units the public key registry for each new subscriber as well as the public key for each older subscriber.[Column 5, lines 58-62]. Likewise Newman further discloses that these new public keys and telephone numbers are immediately available, on demand, and in the general course of business are also sent to each facsimile terminal on a time-available basis, after hours by the CDC. This is also true for updated facsimile terminal units which now have new FAXphone numbers in the CDC.[Column 5, lines 62-67].

Therefore, from what is explained above the CDC/server periodically sends a verification request to the clients asking if the clients public keys remains valid" is clearly disclosed/suggested by the references used.(NEWMAN)

With regard to applicants last argument in relation to the issues of removing or deleting key information is not addressed by the reference on the record. Examiner will respond the following. According to NEMAN, updating is the process of removing the old one and replacing the old one with the new one. Therefore the CDC inherently has capability of removing public keys that are no more in service. CDC/ central server will inherently figure out the validity of the public keys (whether or not they need updates/removing/changing to the new one's) , since all the periodically after hour checks are made by the server on each the terminals.[Column 6, lines 1-3] and at the same time each terminals or clients updates and maintains its own internal table of FaxPhone numbers and Public keys. [Column 6, lines 3-5]. One of the applicant invention which is suggested on the argument is the removing of the public keys by the server when the users dies. This is also inherently done by the CDC. For instance when the owner of the facsimile died, then the Faxphone number together with the public key will either be changed or deleted and be inoperational. The CDC (server) will inherently figure out this when it performs the after-hour periodic checks of all the terminals registered under its database and it make the necessary updates (removing or replacing with the new one) accordingly. NEWMAN discloses the following in support of the Examiners respond. The next periodic after-hours update automatically checks and updates all of the existing phone numbers and public keys contained within each facsimile terminal unit. Note that each FAX updates and maintains its own internal table of FAXphone numbers and public keys.[Column 6, lines 1-5]

Liu also discloses deleting/removing public keys [see figure 10C, reference "1074"]

Like wise argued that the dependent claims should be in condition for allowance since the independent claim is allowable. In response to this particular argument the examiner indicate that the examiner response made for the independent claim above is also applicable to the dependent claims.

Therefore all the elements of the limitations is explicitly or implicitly or inherently suggested and disclosed by the combinations of the references on the records and the final rejection remains valid unless and otherwise the applicant rewrites/amend the limitation to overcome the rejection.